

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

VINCENT BROWN

PETITIONER

v.

No. 2:06CV130-P-A

STATE OF MISSISSIPPI, ET AL.,

RESPONDENTS

MEMORANDUM OPINION

This matter comes before the court on *pro se* petition of Vincent Brown for a writ of *habeas corpus* under 28 U.S.C. § 2254. The court has reviewed the petitioner's claims, and they are not claims challenging the legality of his confinement. Instead, the claims challenge the *conditions* of his confinement, and this type of claim must be brought under 42 U.S.C. § 1983. The petitioner claims: (1) denial of medical care, (2) intentional interference with medical treatment (tinted eyeglasses), (3) denial of right to review medical file, and (4) interference with the petitioner's First Amendment right to free exercise of religion. None of these claims pertain to the legality of the petitioner's confinement. As such, the instant petition for a writ of *habeas corpus* shall be dismissed for failure to state a claim upon which relief could be granted. This ruling does not affect the petitioner's right to file these same claims under 42 U.S.C. § 1983. A final judgment consistent with this memorandum opinion shall issue today.

SO ORDERED, this the 29th day of January, 2007.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE